



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Division (1145)
CEPOA-RD
Post Office Box 6898
Elmendorf AFB, Alaska 99506-0898

PUBLIC NOTICE DATE:	May 15, 2007
EXPIRATION DATE:	June 15, 2007
REFERENCE NUMBER:	POA-2007-583-1
WATERWAY:	Tongass Narrows

Interested parties are hereby notified that a Department of the Army permit application has been received for work in waters of the United States as described below and shown on the enclosed project drawings.

APPLICANT: City of Ketchikan, 334 Front Street, Ketchikan, Alaska 99901

AGENT: PND, Inc., Jennifer Lundberg, 1506 West 36th Ave., Anchorage, Alaska 99503, 907-561-1011.

LOCATION: The project site is located within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 30, T. 75 S., R. 91 E., Copper River Meridian; USGS Quadrangle Map Ketchikan B-5; Latitude 55.3437° N., Longitude 131.6511° W.; along Water Street, adjacent to Casey Moran Harbor/City Floats, between 521 Water Street and Harbor View Park, in Ketchikan, Alaska.

PURPOSE: The applicant's stated purpose is to "expand open space and to provide better connectivity between Water Street and the Waterfront Promenade" and to "enhance the use and enjoyment of the waterfront by local residents and tourists." The area would be used for tourism and recreational activities and would connect the existing pedestrian facility along the Water Street viaduct with the recently constructed Waterfront Promenade.

PROPOSED WORK: Construct a 4,800 square foot pile-supported platform dock over mean high water (MHW, 14.4 feet relative to mean lower low water, 0.0 feet) of Tongass Narrows. The project would entail the installation of fourteen 18-inch diameter steel piles supporting a reinforced concrete that would extend 90 feet along Water Street and extend 45 to 56 feet over Tongass Narrows from the edge of the existing pedestrian walkway along Water Street. No structures would be erected on the proposed dock.

ADDITIONAL INFORMATION: The applicant states that driven piles will be installed using an impact hammer and driven to refusal. However, if there is not sufficient overburden for a driven pile, a rock anchor would be used. The applicant proposes to begin construction, including pile driving, upon receipt of DA authorization. They propose to undertake pile driving and other work during the in-water work closure

window. According to the National Marine Fisheries Service (NMFS), U.S. Fish and Wildlife Service (USFWS), and Alaska Department of Natural Resources (ADNR) Office of Habitat Management and Permitting (OHMP), the closure window for this general area of Tongass Narrows, can range from March 1 through June 15 for the protection of a variety of various fish and aquatic species.

MITIGATION: The applicant states that a bubble curtain would be installed and maintained for construction during the in-water work closure window to attenuate noise from pile driving and reduce impacts to the aquatic environment. No other mitigation is proposed.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRs) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are numerous eligible, ineligible, registered, and unevaluated properties in the vicinity of the worksite. Two properties are adjacent to the project site. Of these, one has been determined to be ineligible for the National Register of Historic Places; it has been designated KET-405. A determination of eligibility has not been completed on the other adjacent property, KET-193. We have preliminarily determined that the proposed pile-supported dock would not adversely affect KET-957. The proposed dock would abut, but would not modify this property. This determination of effect will be reviewed by in consultation with the State Historic Preservation Officer (SHPO). Consultation of the AHRs constitutes the extent of cultural resource investigations by the District Commander at this time. Any comments SHPO may have concerning these or any presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

ENDANGERED SPECIES: Tongass Narrows is within the known or historic range of the threatened Steller sea lion (*Eumetopias jubatus*) (eastern stock) and the endangered humpback whale (*Megaptera novaeangliae*). The project area has been extensively developed for commercial and recreational use and is immediately adjacent to the City of Ketchikan's Casey Moran Harbor (also known as "City Floats") and a cruise ship berth. There is no undisturbed suitable habitat for either listed species near the project site. However, the driving of steel piles may result in sound pressure levels that could affect the Steller sea lion and the humpback whale should they occupy waters in proximity to the work site when pile driving is taking place. However, the applicant has stated their intent to use a bubble curtain during pile driving during the in-water work closure window. Consequently, it has been determined that the proposed activity is not likely to adversely affect either humpback whale or Steller sea lion.

It has also been determined that the action would not modify any designated critical habitat. The project is not within an area identified as designated or proposed critical habitat for any listed threatened or endangered species. There are no rookeries or haul out areas for the threatened Steller sea lion near the project site. Critical habitat has not been designated for the endangered humpback whale.

This application is being coordinated with the USFWS and NMFS, and any comments they may have concerning endangered or threatened wildlife or plants, or their critical habitat, will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. EFH, including Habitat Areas of Particular Concern (HAPC), in the Alaska District are described for species managed under a federal Fishery Management Plans. We have reviewed the National Marine Fisheries Service (NMFS) and North Pacific Fishery Management Council's *Final Environmental Impact Statement for Essential Fish Habitat Identification and Conservation in Alaska* (April 2005) to locate and identify EFH in the vicinity of the proposed action. We have also reviewed the NMFS *Environmental Assessment/Regulatory Impact Review/Regulatory Flexibility Analysis for Amendments 65/65/12/7/8 to the Bering Sea Aleutian Islands Groundfish Fishery Management Plan (#65), Gulf of Alaska Groundfish Fishery Management Plan (#65), Bering Sea Aleutian Islands Crab Fishery Management Plan (#12), Scallop Fishery Management Plan (#7), and the Salmon Fishery Management Plan (#8) and Regulatory Amendments to Provide Habitat Areas of Particular Concern* (April 2005) to locate and identify HAPC in the vicinity of the proposed action.

The project is not located in any HAPC. Tongass Narrows in the vicinity of the proposed project is identified as EFH for a number of species of groundfish and salmon. We have determined that the proposed activity would affect approximately 0.26 acre of EFH for juvenile and adult salmon and groundfish during construction and as a result of shade created by the proposed structure. The project may also adversely affect associated species such as major prey or predator species which are not covered by Fishery Management Plans. Overall, there would be no permanent loss of EFH, and the construction impacts would be temporary and minimal in nature. Consequently, the project would not adversely affect EFH.

This Public Notice initiates consultation requirements with the NMFS under the MSFCMA. We have insufficient information at this time to assess the cumulative effects of the proposed work on EFH, but cumulative effects will be considered in our final assessment of the described work. Any conservation recommendations regarding EFH for federally managed fish will also be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between Federally recognized Tribes and the Federal government. Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Commander during the public comment period.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced

against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. The decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Commander determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Ms. Robin Leighty by phone at (907) 753-2712 or toll free from within Alaska at (800) 478-2712, or by e-mail at robin.l.leighty@poa02.usace.army.mil if further information is desired concerning this notice.

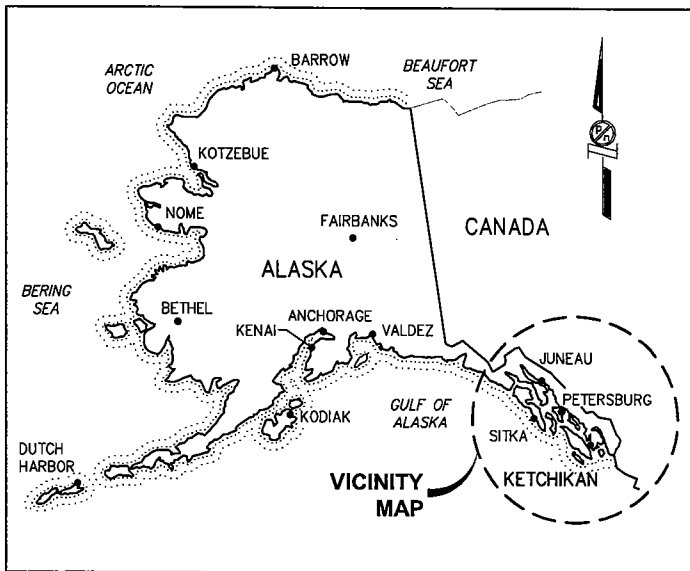
AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Perform work in or affecting navigable waters of the United States - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

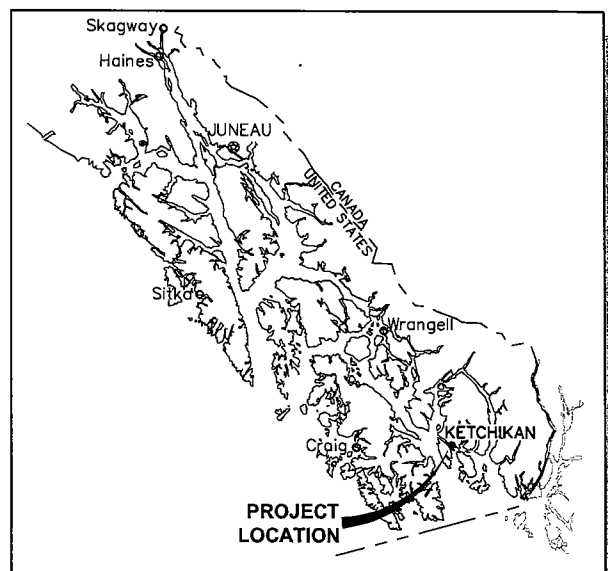
Project drawings, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosures



ALASKA KEY MAP



VICINITY MAP



LOCATION MAP

PRE-CONSTRUCTION CONDITIONS

TIDAL INFORMATION	
	ELEV. (FT)
HIGHEST OBSERVED (12/2/1967)	21.3
HTL	19.4
MHHW	15.4
MHW	14.5
MLW	1.6
MLLW	0.0
LOWEST OBSERVED (1/1/1991)	-5.2

POA-2007-583-1- Tongass Narrows

PURPOSE:

PROVIDE OPEN SPACE AND
IMPROVE CONNECTIVITY AT
THE WATERFRONT

DATUM: 0.0' M.L.L.W.

ADJACENT PROPERTY OWNERS:

1. CITY OF KETCHIKAN
2. KETCHIKAN GATEWAY BOROUGH
3. TAYLOR, ANDREW A.
CARSON, HAROLD R. & SUSAN

**CITY OF KETCHIKAN
DOCK 13**

PROJECT LOCATION

APPLICATION BY:

CITY OF KETCHIKAN
334 FRONT STREET
KETCHIKAN, AK 99901

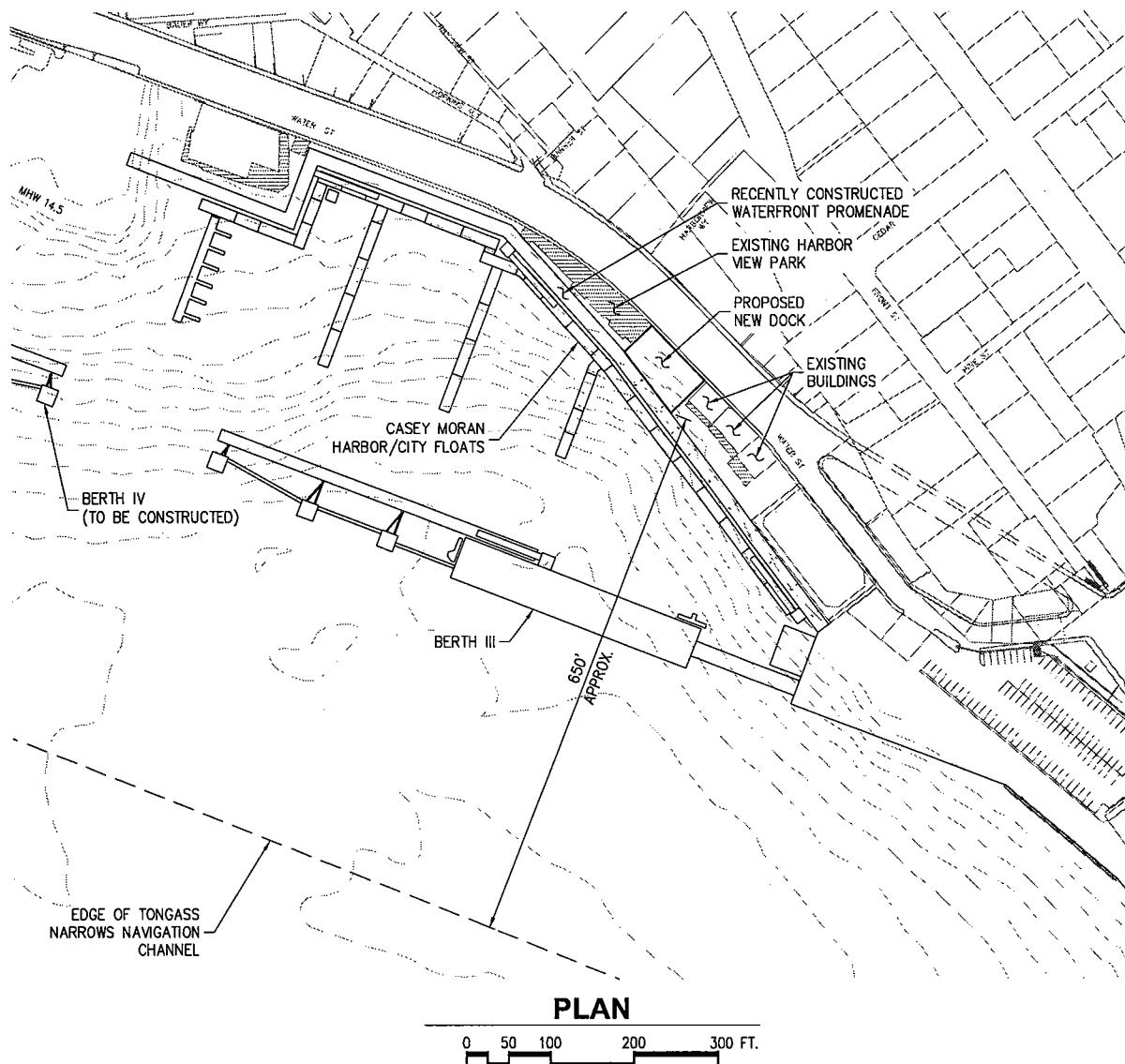
PROPOSED:

NEW PILE SUPPORTED DOCK

IN: TONGASS NARROWS

AT: KETCHIKAN, AK

SHEET 1 of 5 DATE: MAY 9, 2007



POA-2007-583-1- Tongass Narrows

PURPOSE:

PROVIDE OPEN SPACE AND
IMPROVE CONNECTIVITY AT
THE WATERFRONT

DATUM: 0.0' M.L.L.W.

ADJACENT PROPERTY OWNERS:

1. CITY OF KETCHIKAN
2. KETCHIKAN GATEWAY BOROUGH
3. TAYLOR, ANDREW A.
CARSON, HAROLD R. & SUSAN

**CITY OF KETCHIKAN
DOCK 13**

PROPOSED SITE PLAN

APPLICATION BY:

CITY OF KETCHIKAN
334 FRONT STREET
KETCHIKAN, AK 99901

PROPOSED:

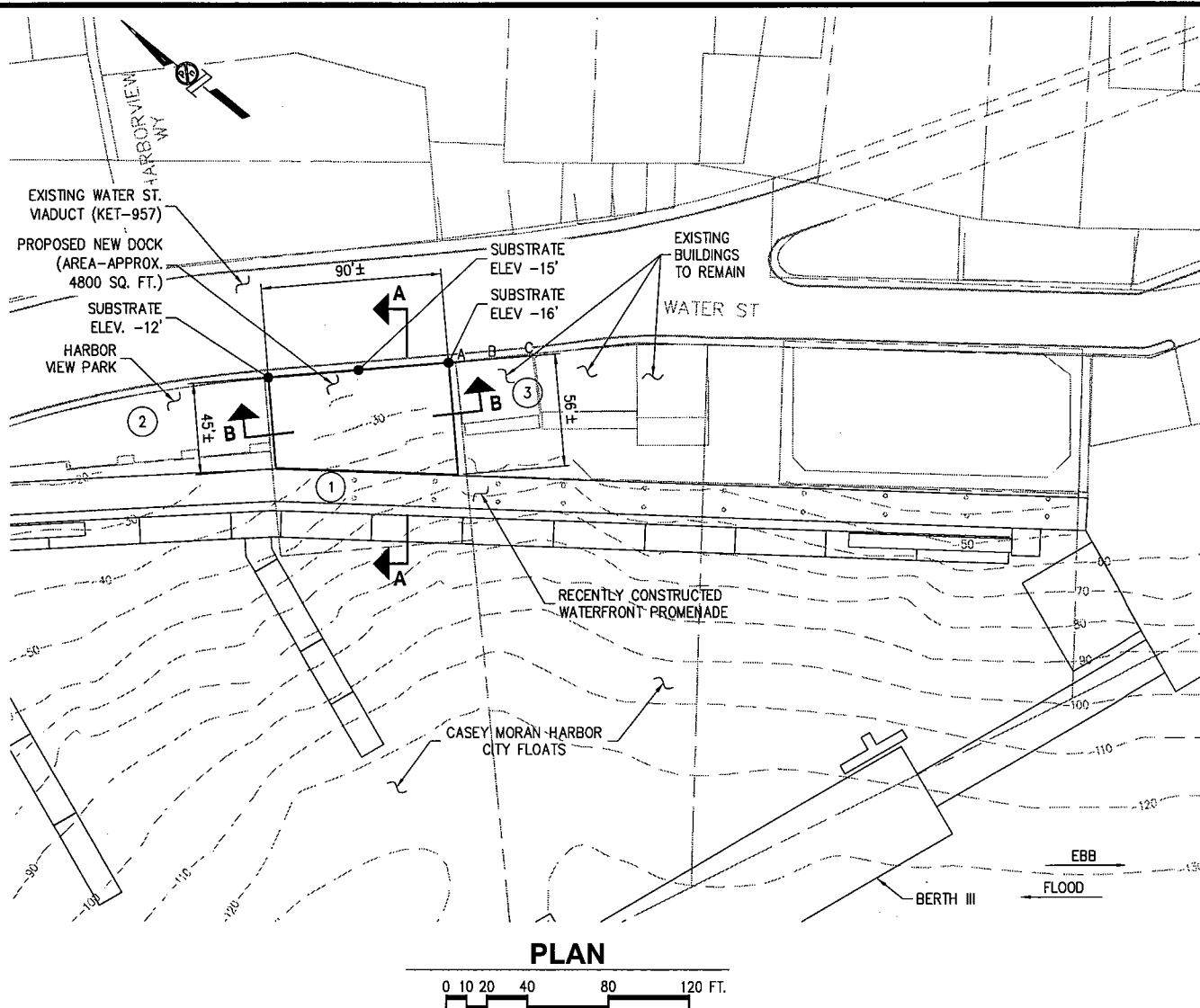
NEW PILE SUPPORTED DOCK

IN: TONGASS NARROWS

AT: KETCHIKAN, AK

SHEET 2 of 5 DATE: MAY 9, 2007

D:\Drawings\2005\05-04-08.01 Ketchikan berth Expansion\Permit Modification\HARBOR VIEW PARK\05-04-08.01-P3.dwg



STRUCTURE SUMMARY				
LOCATION	LENGTH (FT)	WIDTH (FT)	No. OF PILES	PILE DIAMETER (IN)
DOCK 13	90'±	VARIES 45'-56'±	18	18

PROPERTY IDENTIFIED AS ③ CONTAINS THREE AHS LISTED PROPERTIES		
A	KET-405	521 WATER ST.
B	KET-310	511 WATER ST.
C	KET-193	509 WATER ST.

POA-2007-583-1- Tongass Narrows

PURPOSE:

PROVIDE OPEN SPACE AND IMPROVE CONNECTIVITY AT THE WATERFRONT

DATUM: 0.0' M.L.L.W.

ADJACENT PROPERTY OWNERS:

1. CITY OF KETCHIKAN
2. KETCHIKAN GATEWAY BOROUGH
3. TAYLOR, ANDREW A.
CARSON, HAROLD R. & SUSAN

**CITY OF KETCHIKAN
DOCK 13**

**DOCK PLAN & SECTION 106
PROPERTY IDENTIFICATION**

APPLICATION BY:

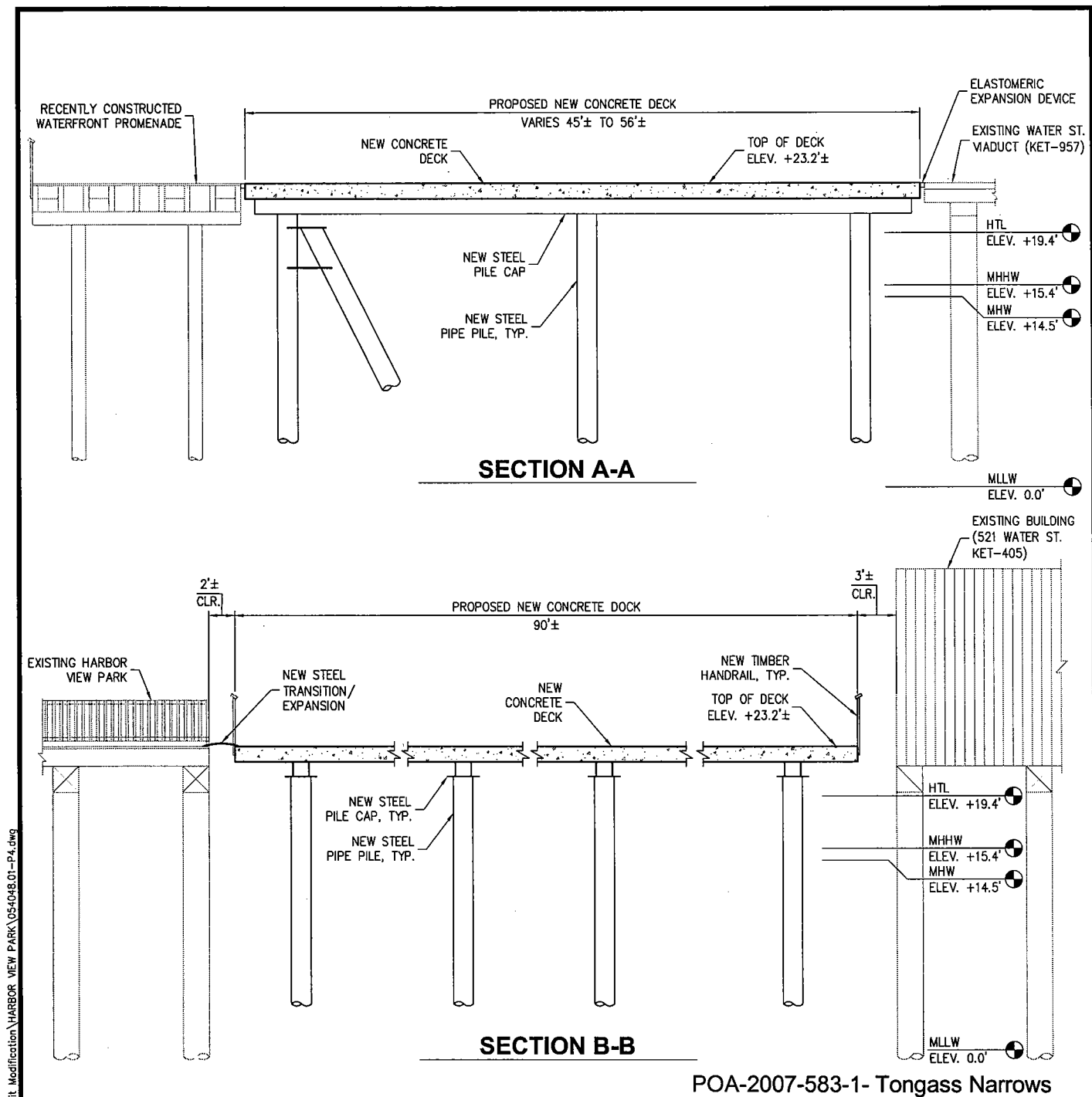
CITY OF KETCHIKAN
334 FRONT STREET
KETCHIKAN, AK 99901

PROPOSED:

NEW PILE SUPPORTED DOCK

IN: TONGASS NARROWS
AT: KETCHIKAN, AK

SHEET 3 of 5 DATE: MAY 9, 2007



POA-2007-583-1- Tongass Narrows

PURPOSE:

PROVIDE OPEN SPACE AND
IMPROVE CONNECTIVITY AT
THE WATERFRONT

DATUM: 0.0' M.L.L.W.

ADJACENT PROPERTY OWNERS:

1. CITY OF KETCHIKAN
2. KETCHIKAN GATEWAY BOROUGH
3. TAYLOR, ANDREW A.
CARSON, HAROLD R. & SUSAN

**CITY OF KETCHIKAN
DOCK 13**

SECTIONS

APPLICATION BY:

CITY OF KETCHIKAN
334 FRONT STREET
KETCHIKAN, AK 99901

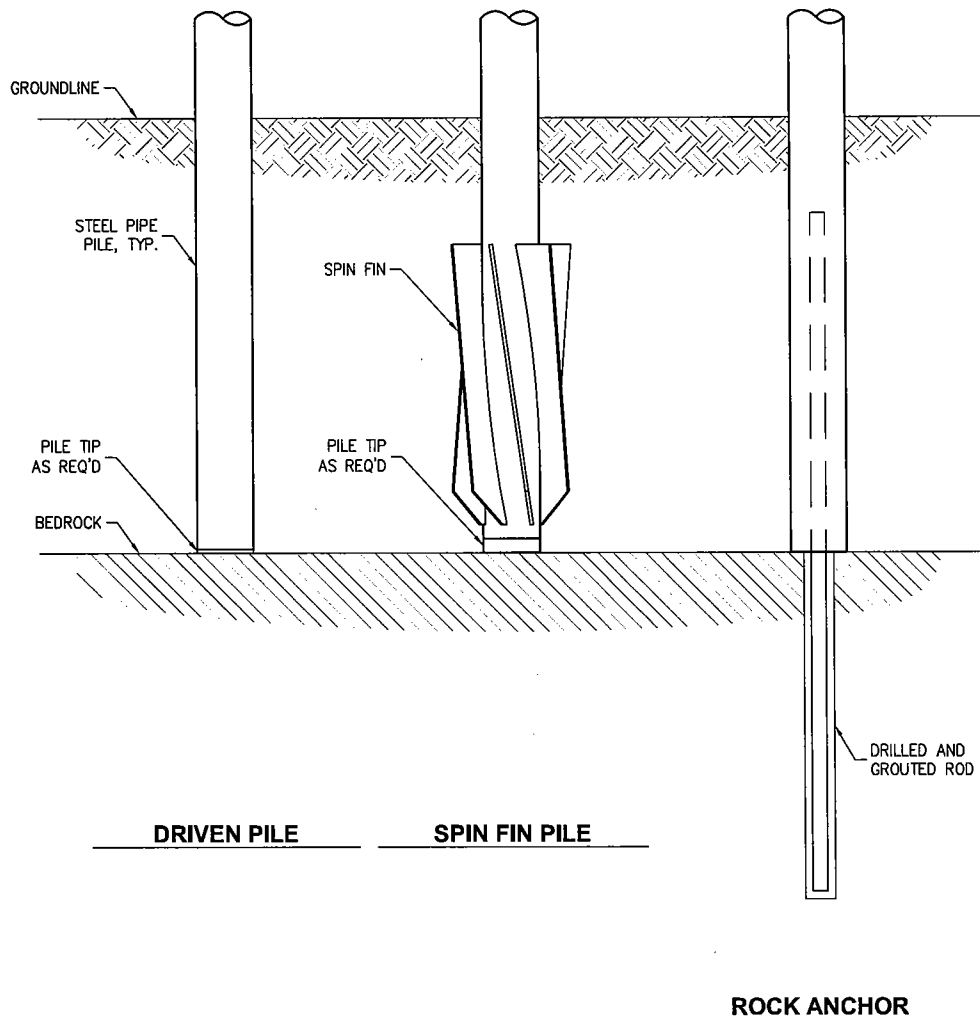
PROPOSED:

NEW PILE SUPPORTED DOCK

IN: TONGASS NARROWS

AT: KETCHIKAN, AK

SHEET 4 of 5 DATE: MAY 9, 2007



NOTE:

STEEL PIPE PILE TIPS FOR THIS PROJECT WILL BE INSTALLED PER ONE OF THE METHODS DEPICTED ON THIS SHEET. ACTUAL METHOD TO BE DETERMINED AS SUBSURFACE CONDITIONS BECOME KNOWN. ALL PILES DRIVEN TO IMPACT HAMMER REFUSAL

POA-2007-583-1- Tongass Narrows

PURPOSE:

PROVIDE OPEN SPACE AND IMPROVE CONNECTIVITY AT THE WATERFRONT

DATUM: 0.0' M.L.L.W.

ADJACENT PROPERTY OWNERS:

1. CITY OF KETCHIKAN
2. KETCHIKAN GATEWAY BOROUGH
3. TAYLOR, ANDREW A. CARSON, HAROLD R. & SUSAN

**CITY OF KETCHIKAN
DOCK 13**

PILE TIPS

APPLICATION BY:

CITY OF KETCHIKAN
334 FRONT STREET
KETCHIKAN, AK 99901

PROPOSED:

NEW PILE SUPPORTED DOCK

IN: TONGASS NARROWS

AT: KETCHIKAN, AK

SHEET 5 of 5 DATE: MAY 9, 2007

SARAH PALIN, GOVERNOR

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMENT AND PERMITTING

OFFICE OF PROJECT MANAGEMENT AND PERMITTING
POST OFFICE BOX 111030, MS 1030
JUNEAU, ALASKA 99801-1030
PHONE: (907) 465-3562/FAX: (907) 465-3075

**NOTICE OF APPLICATION
FOR
CERTIFICATION OF CONSISTENCY WITH THE
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. POA-2007-583-1, Tongass Narrows, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Office of Project Management and Permitting (OPMP). For information about this consistency review, contact OPMP at the address or phone number above, or visit the ACMP web site at <http://www.alaskacoast.state.ak.us/Projects/projects.html>.